

July 28, 2016

**Federal Communications Commission
445 12th Street SW
Washington, DC 20554**

In the Matter of

Request for Review of a Decision of the)	
Universal Service Administration Corp. for)	Administrator Correspondence Dated
<i>Holy Family Parish School</i>)	June 6, 2016
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Request For Review

In accordance with sections 54.719 through 54.721 of the Commission's rules, Holy Family Parish School through its consultant, requests Federal Communications Commission (Commission) review the decision of the Schools and Libraries Division of the Universal Service Administrative Company (Administrator). Based on the facts presented and clear precedent, Holy Family Parish School asks that the Administrator's decision be overturned.

Form 471 Application Number: 1029582

Funding Request Numbers: 2814289, 2815306, 2849856

Billed Entity Number: 72068

Form 486 Number: 1135931

FCC Registration Number: 0014587646

Background

Holy Family Parish School, through its Consultant, filed an appeal to the Administrator to re-consider the service start date for the committed Funding Year 2015 funding requests listed above. Effective August 1, 2015, Holy Family Parish School hired a new principal with no prior experience in that position or with E-rate matters. The school was facing financial hardship and the previous E-rate contact was a part-time teacher who was assisted by a former student who lacked job experience and additional formal education beyond Holy Family Parish School. Upon arrival, the new principal was under the impression that all E-rate matters had been handled before the departure of the previous E-rate contract. She became overwhelmed with this new responsibility and didn't know when or how to file the necessary forms in order to secure committed funding.

Soon after Holy Family realized they needed assistance, they sought guidance from E-rate Central in February of 2016. Upon review of the schools' E-rate applications from previous years, we noticed that several Form 486s went unfiled and urgently prepared them for submission. By this time, the other issues needing correction were past their deadlines to appeal. USAC accepted the late Form 486s but changed

the service start date to October 26, 2015, 120 days before the FCC Form 486 postmark date and almost four months after the service start date originally indicated on the applications. Upon notification of this change, we filed an appeal to the Administrator explaining the schools' staffing turnover and respectfully requested they adjust the service start date to July 1, 2015.

In correspondence dated June 6, 2016, USAC sent written notification that the request to adjust the service start date had been denied stating, "On December 2, 2016 USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486...It is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner." (See Exhibit 1) Usually addressed to the Form 471 contacts, this letter would have been addressed to an individual no longer associated with the school. Since these letters are not sent using a trackable mailing service, there is no way to confirm how, when and if the letter was ever delivered or received.

Discussion

Holy Family Parish School through its Consultant, appeals this decision and requests the Commission overturn the denial to revise the service start date to the first day of the funding year as indicated on the FY15 Form 471. We request this action based on clear precedent from the FCC.

On September 14, 2006 FCC DA 06-1871 granted 128 appeals to schools and libraries who had failed to timely file an FCC Form 486 noting that "that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms" and agreed that waivers are "appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule."¹

As in Holy Family Parish School's case, the school faced two big problems during Funding Year 2015: their new E-rate contact was grossly uninformed about the E-rate program and correspondence from USAC was addressed to an individual no longer associated with the entity. As such, forms including the Form 486, went unfiled and unfortunately committed funds for FY14 went undisbursed. During this time the entity had also experienced a financial restructuring process because the school was endangered of closing. With a dire need to recoup funds through E-rate to operate, Holy Family has buckled down on applying for E-rate more effectively and taken advantage of the new Category 2 budgets allocated to schools for infrastructure support. E-rate has been a great aid in helping to support the operation of Holy Family and full committed reimbursements would be of great help to the school and students it serves.

The FCC has recognized the complexities of the program in many appeals and orders and has ruled that outcomes, in which applicants would be denied access to discounted telecommunication and information services, conflicted with the intentions of the program. School budgets across America have been tightened due to our economic climate and student activities have often times been sacrificed to accommodate these constraints. The circumstances discussed herein illustrate the challenges faced by

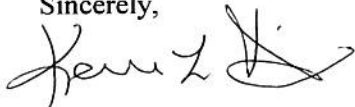
¹ FCC Order (Alaska Gateway School District) DA 06-1871, adopted 9/14/2006. 128 appeals of decisions granted to applicants for untimely filing Form 486.

those struggling to put together the pieces of a puzzle left behind for them. Denying schools deserved funding conflicts with the spirit of the program and it is not the employees who are most affected by the circumstances but the students who they are expected to serve.

Conclusion

The E-rate program was designed to connect the nation's schools and libraries enabling all students a fair and equal opportunity to grow by offsetting the cost of telecommunication services through discounts. The intent of this program should not be compromised because the management team in place to secure this funding was ill-trained and former employees did not provide contingency efforts to smoothly transition out of their leadership roles. We respectfully submit this appeal based on FCC Order 06-1871 and emphasize that Holy Family Parish School has not committed any waste, fraud, or abuse with the associated funding requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerri L. Dillon", with a stylized flourish at the end.

Kerri L. Dillon

E-Rate Coordinator, E-Rate Central